

Amendments to the Drawings

Attached are sheets replacing Figures 5A, 5B and 8 currently on file. Replacement sheets 6/16, 7/16 and 10/16, containing Figures 5A, 5B and 8, are attached as **Appendix A**.

Attachment: Replacement Sheets 6/16, 7/16 and 10/16 attached as **Appendix A**.

REMARKS/ARGUMENTS

1. Claims 1 to 23 have been cancelled. Claims 24 to 43 are now in the application.
2. The Examiner required the listing of references in the specification to be inserted in the proper Information Disclosure Statement. Applicant respectfully submits that it understand that this was attended with the Information Disclosure Statement of October 20, 2009.
3. In the specification the Examiner objected to description page 4 for including an embedded hyperlink. This has been deleted.
4. The Examiner required reference to the prior filed U.S. application in the first sentence of the specification. Applicant has amended description page 1 to attend to this matter.
5. In the abstract the Examiner objected to the use of the word "said" in several places. Applicant has amended the abstract accordingly.
6. The Examiner noted that the application contained sequence disclosures that would encompass by definitions by nucleotide and/or amino acid sequences. The Examiner noted sequence identifiers missing from page 13 at lines 3 and 4. Applicant has amended description page 13 accordingly.

The Examiner objected to the description of the drawings format including SEQ ID NOs. with the sequences in the sequences in Figure 2A. Applicant has amended description page 5 to include references to SEQ ID NOs.

The Examiner noted that if the sequences appearing in the specification do not have sequence ID numbers assigned to them in the current sequence listing, then an amendment to the sequence listing is required.

In accordance with the requirements of 37 CFR 1.821(e) to (g), and 37 CFR 1.825(b) and (d), enclosed is a sequence submission in computer-readable format (.txt).

Applicant has amended the sequence listing to include sequences found on page 13 at lines 3 and 4 and sequences referenced already in the paragraph relating to Figure 2A on page 5. These are found as sequences 28 to 35. Applicant respectfully submits that the provided sequence listing does not contain any new matter but is simply complies with the formality requirements in accordance with the Examiner's requirements.

We respectfully request that the sequence listing be entered into the application.

7. The Examiner objected to Figures 5A, 5B and 8 for failing to comply with requirements because the figures were framed. Applicant has deleted the frames as required.

8. The Examiner raised several objections to the claims. The claims on file have been replaced with revised claims 24 to 43. It is respectfully submitted that the formality objections raised by the Examiner to the former claims are moot in view of the revised claims which account for the objections made to the former claims. Applicant respectfully submits that the new set of the claims accounts for all the Examiner's objections listed above and for the other objections (details below).

Claim Rejections - 35 USC 112

9. 35 USC 112 - second paragraph rejections. The phrase "nucleic acid molecule" is used in all relevant claims instead of "gene". The term "very" has been deleted from all relevant claims which now recite C20 or greater fatty acids or erucic acid as the case may be. Parentheses in the claims have been removed.

Claim Rejections - 35 USC 112 and 101

10. The use claims have been converted to method claims as set forth in new claims 40 to 42.

Claim Rejections - 35 USC 112

11. 35 USC 112 - first paragraph rejections. All claims are now defined by a specific sequence, either SEQ ID NO: 24 which is the *Crambe* FAE protein or SEQ ID NO: 25 which is the *Crambe* nucleic acid sequence coding for the protein. We submit that the present claims have both sufficient written description and enablement.

Claim Rejections - 35 USC 102

12. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or

nucleic acid molecules encoding this FAE. We submit that the claims are novel over this cited Katavic et al. reference.

13. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or nucleic acid molecules encoding this FAE. We submit that the claims are novel over this cited Katavic et al. reference.

14. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or nucleic acid molecules encoding this FAE. We submit that the claims are novel over the cited James et al. reference.

15. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or nucleic acid molecules encoding this FAE. We submit that the claims are novel over the cited Wilmer et al. reference.

16. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or nucleic acid molecules encoding this FAE. We submit that the claims are novel over the cited Weinand et al. reference.

17. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or nucleic acid molecules encoding this FAE. We submit that the claims are novel over the cited Jaworski et al. reference.

Claim Rejections - 35 USC 103

19. The claims are now directed to the *Crambe* FAE of SEQ ID NO: 24 or nucleic acid molecules encoding this FAE. The cited reference does not disclose the *Crambe* FAE or nucleic acid molecules encoding this FAE. Therefore, we submit that the claims cannot be obvious in view of the cited Jaworski et al. reference as the structure of the *Crambe* FAE

cannot be determined from any combination of the cited references. We note that the examiner rejected claim 3 (which was directed to a gene coding for a *Crambe* FAE) but refers to the *Nasturtium* gene as the one being rejected (i.e. claim 2). It is not clear whether the Examiner meant to reject claim 2 instead. In any event, none of the cited references disclose the sequence of the FAE or the nucleotide coding sequence from *Crambe*, therefore, we submit that the present claims cannot be obvious in view of Jaworski.

Early and favourable consideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments, to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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DLC/bmp

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Encls.

1. Sequence Listing .txt
2. Figures 5A, 5B and 8 (figure sheets 6/16, 7/16 and 10/16)